

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JAMES F., by and through his next §
Friends, CHRISTINE F. and MICHAEL F., §
Plaintiff, §
§
v. § Civil Action No. 4:23-cv-02063
§
CLEAR CREEK INDEPENDENT §
SCHOOL DISTRICT, §
Defendant. §

STIPULATION/AGREEMENT BETWEEN THE PARTIES

TO THE HONORABLE JUDGE OF THE COURT:

The Local Rules of the United States District Court for the Southern District of Texas address agreements between parties in litigation. Local Rule 83.5 states that agreements between parties are enforceable by the Court only if they are announced in open court or are reduced to writing and signed. The Parties to the above matter wish to enter into this agreement.

On August 25, 2023, the Clear Creek Independent School District (“District”) filed a letter with the Court requesting a pre-motion conference to seek permission to file Rule 12(b)(1) and 12(b)(6) motions in the above case. The basis for these motions would be that Michael F., listed as next friend of James F., was not a party to the underlying special education due process hearing, the appeal of which is the basis for this lawsuit. The Court issued an order that the Plaintiff can replead by September 29, 2023. If the Plaintiff does not, then the District can file its motions by October 13, 2023.

The Parties have discussed this issue and wish to enter into this agreement. The Plaintiff, James F., by his next friends, Christine F. and Michael F., and Christine F. and Michael F. individually, agree that they will not rely on, or use the presence of, Michael F. as a party/next friend in this case as a reason or basis to attempt to introduce any additional evidence, whether

testimonial or documentary, in addition to the evidence already in the record from the administrative proceeding below. They further agree that Michael F. will be bound by all decisions in this matter made by the District Court or by any subsequent court in an appeal. In reliance on these agreements, the Clear Creek Independent School District agrees that it will not seek to dismiss Michael F. as a party/next friend from this case.

Respectfully submitted,

By: /s/ Janet L. Horton

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing pleading has been served on all counsel of record through the Court's electronic filing system, on September 29, 2023:

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/s/ Janet L. Horton
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